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SUPREME COURT OF THE UNITED STATES

IN RE MICHAEL SINDRAM

ON MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

No. 90-6051. Decided January 7, 1991

JUSTICE BLACKMUN, with whom JUSTICE MARSHALL joins, dissenting.

I join JUSTICE MARSHALL's dissent. I write separately simply to emphasize what seems to me to be the inappropriateness of the Court's action in this particular case. Even if one believes, as I do not, that this Court has the authority prospectively to deny leave for a litigant to proceed *in forma pauperis*, and in some instances may be justified in doing so, I cannot conclude that such action is warranted in this case. Jessie McDonald, the first and only other *pro se* litigant to whom this Court has barred its doors prospectively, had filed 19 petitions for extraordinary relief when the Court concluded that he had abused the privilege of filing *in forma pauperis*. See *In re McDonald*, 489 U. S. 180, 181, and n. 3 (1989). As the Court today acknowledges, however, Michael Sindram has filed only two petitions for extraordinary relief since 1987: a petition for writ of habeas corpus filed in 1988 and the pending petition for mandamus. *Ante*, at 1, and n. 1.

While it may well be true that each of Sindram's petitions for extraordinary relief lacked merit, it cannot be, as the Court asserts, that these two petitions have "compromise[d]" the "goal of fairly dispensing justice," or "disrupt[ed] the fair allocation of judicial resources." *Ante*, at 3. Rather, the Court's order in this case appears to be nothing more than an alternative for punishing Sindram for the frequency with which he has filed petitions for certiorari and petitions for rehearing. *Ante*, at 1. Accordingly, I dissent.